

Protection of the appellation of origin under Czech law and international treaties

This thesis deals with the topic of appellation of origin. Appellation of origin is governed by Czech law, European Union law and by international multilateral and bilateral treaties. Appellation of origin is an exceptional measure because it provides an indefinite number of users meeting prescribed conditions with protection.

The paper is divided into four chapters. The first chapter deals with history and with theoretical introduction into the topic of appellations of origin. Following three chapters describe the protection in the Czech Republic, European Union and on the international level. There are examples of concrete appellations of origin at the end of each of these three chapters. The examples are used in order to better demonstrate different ways of possible use of the appellations of origin. The work uses legal enactments as well as administrative and court decisions. Specialized publications and opinions of some of the users are used as well.

The core of legal regulations governing appellations of origin in many countries is formed by multilateral international treaties. This applies also in case of the Czech Republic and the European Union. Application for registration of an appellation of origin may be filled by a group of producers or processors. In some cases a single producer or processor is allowed to file the application. The Czech law protects not only goods but also services. European Union law protects only certain kinds of agricultural products and foodstuffs.

The aim of appellations of origin is to protect eligible users from unauthorised use of registered appellations or their derivations. In other words they protect economic interests of producers. At the same time they also represent a kind of guarantee that production and processing methods and substances well known by the consumers are used. Appellation of origin does not inform the users that it protects goods of higher quality. But it may serve as an indication of a quality product fulfilling prescribed conditions. Users have different experiences with the use of appellations of origin, but they do not deny the possibility of protection against unauthorised use. Products with a good export potential may use the appellations for popularization and protection.